

ADELPHIA BUSINESS SOLUTIONS

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EXECUTIVE SECRETARY

June 3, 2002

OVERNIGHT DELIVERY

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Dear Mr. Waddell:

02-00207

Enclosed are the original and thirteen copies of the Response to BellSouth Telecommunications, Inc.'s First Set of Discovery of Adelphia Business Solutions. A copy of the enclosed sent under separate cover to BellSouth Telecommunications, Inc.

Sincerely,



Terry J. Romine
Director, Legal and Regulatory Affairs

Enclosures

cc: Guy M. Hicks
Joelle J. Phillips
Andrew Shore

FILED
6/5/02

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

In Re: *Petition of Tennessee UNE-P Coalition to Open a Contested Case Proceeding to Declare Switching an Unrestricted Network Element*

Docket No. 02-00207

**RESPONSE TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF DISCOVERY TO ADELPHIA BUSINESS SOLUTIONS**

In accordance with the Hearing Officer's First Report and Order ("Order") and Rule 1220-1-2.11 of the Tennessee Regulatory Authority's ("TRA") Rules of Practice and Procedure, the undersigned hereby submits this response to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Discovery addressed to "Adelphia Business Solutions" in this proceeding.

General Objections

There is no such entity as "Adelphia Business Solutions." Pursuant to the Order, discovery may be served only upon "any Tennessee-certificated facilities-based competing service providers." There is no Tennessee certificated facilities-based carrier named "Adelphia Business Solutions." The only entity with a similar name that is certificated as a facilities-based carrier in Tennessee is Adelphia Business Solutions of Nashville, L.P. (hereinafter "ABS Nashville").

If the discovery request was intended to be directed to ABS Nashville, ABS Nashville generally objects on the grounds that the requested discovery is unduly burdensome, that the information requested is not relevant to nor likely to lead to the discovery of information relevant to the matters at issue in this proceeding, and that the information requested may be proprietary, confidential or otherwise not discoverable.

On or about March 27, 2002, Adelphia Business Solutions, Inc. ("ABSI"), the parent company of ABS Nashville, as well as several of its affiliates, filed for protection from their creditors under Chapter 11 of the United States Bankruptcy Code in the Bankruptcy Court for the Southern District of New York. These entities are currently operating under Debtor-in-Possession financing under the supervision of the Bankruptcy Court, the United States Trustee, and their creditors. ABSI and its subsidiaries are devoting all of their available resources to ensure the continued provision of service to customers and the ongoing operation of their business. As such, ABS Nashville does not currently have resources available to research and prepare responses to this discovery, and, in any event, given the company's current financial status, it would be unduly burdensome to do so.

In addition, ABS Nashville asserts that, while the Hearing Officer's Order interprets the Tennessee UNE-P Coalition's ("Coalition") petition to be a request for rulemaking, the Coalition recently clarified that its petition was intended only to seek an order from the Authority requiring "BellSouth to offer unbundled local switching to CLECs seeking to serve any analog line customer (residential and business) throughout Tennessee."¹ In other words, the petition seeks a determination as to *BellSouth's* provision of switching in its territory; not a determination as to the availability of switching generally. Accordingly, to the extent the discovery seeks information concerning ABS Nashville's switches, switching points or collocation, the information requested is not relevant to nor likely to lead to the discovery of information relevant to whether BellSouth should be required to provide unbundled switching.

¹ See Testimony of Joe Gillan at 2. See also Motion to Amend Petition and Motion to Reconsider the Hearing Officer's First Report and Recommendation, filed May 20, 2002, at 2.

Finally, several of the discovery requests seek financial, customer or other commercially sensitive information that is highly confidential and/or proprietary information the public disclosure of which, could competitively disadvantage ABS Nashville.

Responses

1. Please identify each switch that you own or operate to provide telecommunications service in the State of Tennessee. In answering this request, please describe with particularity for each such switch:

- (a) the specific location of the switch;
- (b) the type of switch that has been deployed (*e.g.*, circuit, wireless, packet, etc.).
- (c) the functions and capabilities of the switch;
- (d) the geographic areas served by the switch;
- (e) the total number of access lines or equivalent lines the switch is capable of serving; and
- (f) the total number of access lines or equivalent lines the switch is currently serving.

Response: The General Objections set forth above are incorporated herein by reference.

2. For each switch identified in the foregoing discovery request, please provide a detailed breakdown of the costs incurred in deploying that switch as well as a complete description of those costs.

Response: The General Objections set forth above are incorporated herein by reference.

3. Please state the total number of switching points of interface you have deployed in the State of Tennessee for the collection of traffic and identify the location of each such switching point of interface.

Response: The General Objections set forth above are incorporated herein by reference.

4. Please identify all carriers that have purchased switching from you in Tennessee.

Response: The General Objections set forth above are incorporated herein by reference.

5. Please identify all carriers that have made inquiries to you regarding purchasing switching from you in Tennessee.

Response: The General Objections set forth above are incorporated herein by reference.

6. Please identify carriers other than BellSouth, of which you are aware, that offer switching in Tennessee.

Response: The General Objections set forth above are incorporated herein by reference.

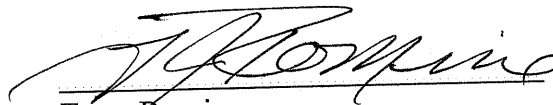
7. Is it your contention that your ability to provide local exchange service to customers in Tennessee via your has been impeded by a lack of collocation space in BellSouth central offices? If the answer is in the affirmative, please state all facts and identify all documents that support this contention.

Response: The General Objections set forth above are incorporated herein by reference. Notwithstanding and without waiving those objections, Adelphia has made no such contention.

8. Please produce any and all documents referred to or identified in response to BellSouth's Discovery Requests.

Response: The General Objections set forth above are incorporated herein by reference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Romine", written over a horizontal line.

Terry Romine
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Dated: May 31, 2002